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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,653	04/02/2004	Harpreet Singh	66329/00170	9663
23380 7590 03/03/2009 TUCKER ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414				
EXAMINER NGUYEN, THUY-VI THI				
ART UNIT 3689		PAPER NUMBER		
NOTIFICATION DATE 03/03/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@tuckerellis.com
christopher.luoma@tuckerellis.com

Office Action Summary

Application No.

10/816,653

Applicant(s)

SINGH ET AL.

Examiner

THUY VI NGUYEN

Art Unit

3689

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-9, 11-16, 23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-16, 23, 25-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 19, 2008 has been entered.

Response to Amendment

2. This is in response to the applicant's communication filed on December 19, 2008, wherein:

Claims 1, 3-8, 9, 11-16, 23, 25-28 are currently pending;

Claims 1, 3, 5, 9, 11, 13, 23, 25 have been amended;

Claims 2, 10, 17-22, 24 have been cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-8, 9, 12-16, 23, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over HAMADA (US 7,254,606) in view of BURTON ET AL (US 7,130,880)

As for independent claims 1, 9 and 23 HAMADA discloses a system/method/computer implement method for providing selective fee-based sharing of access to data stored on a shared data peripheral device comprising the steps of:

1) a data peripheral system comprising at least one data input/out device {figure 1}

2) secure data storage medium {see figures 1, 13 "control server 111, data server 112 and 113"}

3) means adapted/step for allocating a storage area in a secure data storage medium

[...i.e. sending the data with the data storage request to the selected data server, and store the data in the select data server; abstract; and figures 2 and 15];

4) means adapted/step for receiving login data corresponding to an identity of an associated user

{...receive the user authentication; see col. 6, lines 1-13, col. 10, lines 41-50, figures 11-12, and 20.};

5) means adapted/step for receiving, from the associated user, formatting data corresponding to a format for storage of electronic document data

[...receiving data into a predetermined format implies that formatting data would have been received beforehand from a user; see col. 5, lines 5-14];

6) means adapted/step for communicating electronic document data recieved from the associated user via at least one data input/output device in a data peripheral system into the selected storage area of secure data storage medium for storage in accordance with received formatting data

[...i.e. network (10); sending the data associated with the data storage request to the selected data server via the communication line; if user authentication has succeeded, image data photographed by the digital camera 125 is sent from the portable phone 123 to the control server 111; figures 1, 2 (element S1, S2,S3), , 11 and 12; col. 1, lines 60-62; col. 3, lines 20-26; col. 6, lines 41-65];

7) accounting means adapted/step for securing charge information from the associated user, which charge information allows for securing of payment for use the data peripheral system

[...i.e. charge process for a user to pay a fee for the use of data system; figures 24-25; col. 15, lines 33-60];

8) verification means adapted/step for securing charge verification information corresponding to charge in formation received from the associated user

[...i.e. sending a message indicating that the service subscription value has paid; col. 16, lines 32-42; figure 24, step (1823)];

9) means adapted/step for enabling operation of the data peripheral system in accordance with an output of the verification means so as to provide fee-based access of the associated user to the peripheral system

[...i.e. enabling the process of sending the requested storage data to data server from client terminal; and the process of receiving the data from the data server; col. 3, lines 1-6; col. 8, lines 32-67; col. 9, lines 1-2 and figures 2-3];

10) means adapted/step for receiving, from the associated user, an access control list corresponding to an identity of at least one user selected by the associated user as authorized to have future access to the electronic document data stored in storage area of the secure data storage medium;

{see col. 6, lines 24-31 figures 5-7 for the storage data list that contain authorized user information; and see figure 4, col. 9, lines 14-40, discusses control server 111 accesses data servers that store user data to be checked;}

11) means adapted/step for storing the data list, which dictates an identity of users authorized to access the data stored in the storage area of the secure data storage medium

{see col. 6, lines 24-31 figure 7 discusses the storage data list that contain authorized user information; and see figure 4, col. 9, lines 14-40, control server 111 accesses data servers that store user data to be checked;}

12) means adapted/step for generating secure login data for each authorized user associated with the access control list

{see figures 3 and 18, col. 8, lines 33-67, col. 9, lines 1-7, discusses the generating the user authentication process for accessing user data stored in the data server}

13) means adapted/step for communicating login information corresponding to secure login data to each authorized user {see figures 11-12, 18 col. 9, lines 3-7; col. 10, lines 41-67; col. 13, lines 40-67 *discusses the communication line between the client terminal (user) and the control server 111 for accessing to the data server; receiving login data from the at least one authorized user*};

14) means adapted /step for receiving login data from the at least one authorized user;

15) means adapted/step for authenticating received login data from the at least one authorized user {see figures 11-12, 18, col. 10, lines 41-67; e.g. *user authentication is checked if the user level recognized* }; and

16) means adapted/step for communicating the electronic document data stored in the storage area of the secure data storage medium to the at least one authorized user in accordance with an output of the authenticating step/means

{see figures 1, 2, 3 and 18, col. 4, lines 41-65 *disclose the user access the control server 111 by the portable phone 123 to send a storage request using user's ID and password, if a user authentication has succeeded, image data is sent from the portable phone to the control server; and col. 8, lines 51-55; discusses the data server 112 executes a user authentication process for checking*}

HAMADA discloses all the limitation as stated above, HAMADA further discloses receiving and storing the data list corresponding to an identity of at least one user authorized {see col. 6, lines 24-31 figure 7 *discusses the storage data list that contain authorized user information*}. However, HAMADA does not mention about "receiving,

from the associated user, an access control list including an identity of at least one user selected by the associated user as authorized to have future access to the electronic document data/files stored in the storage area of the secure data storage medium (step 10); and storing the access control list in the storage area of the secure data storage medium; (step 11)

In the similar method for sharing document/files/image from the storage medium or server through the network using the user Internet file system to allow the users to easily share folders and files containing information of common interests, BURTON ET AL disclose a sharing file between two users (A and B) (col. 4, lines 1-14, figure 2), an Access Control Lists (ACLs) which is stored in a database to determine what rights each user has been granted for sharing the files, or determine what access rights User B has the file/document/image shared by User A (associate user) for the benefit of strong authentication, encryption, proxy support, and caching and also for allowing the users to easily share folders and files containing information of common {see col. 1 lines 45-60, col. 2, lines 3-10, col. 4, lines 1-27 and figure 2}. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method and system of HAMADA to include the access control list feature as taught by BURTON ET AL for the benefit cited above.

As for claims 4 and 12, which deal with the peripheral system includes at least one of a printer, facsimile, scanning device, character recognition system, and storage device, this is fairly taught in HAMADA [...figure 1].

As for claims 5 and 13, which deal with HAMADA means/step for selecting parameters for a selected data processing operation undertaken in connection with the data stored in the secure data storage medium, this is fairly taught in HAMADA [...i.e. *user select a data server in which he or she want to store data*; col. 6, lines 9-13; col. 12, lines 62-66 and figure 14];

As for claims 6, 14 and 26, which deal with charge information includes information associated with at least one of a pre-paid debit card, coupon, and credit card, this is fairly taught in HAMADA [...*debit card or credit card*; col. 17, lines 3-9].

As for claims 7, 15 and 27, which deal with the feature of tracking the user's usage of the data peripheral system and generating a cost for the user's usage of the data peripheral system, this is fairly taught in HAMADA [...i.e. *control server 111 and IC card 124 manage user's information such as charge information, various kinds of information with the storage data servers*; col. 16, lines 45-52; and figures 1, 22 and 24].

As for claims 8, 16 and 28, which deal with the feature of applying the generated cost to the user's charge information, this is fairly taught in HAMADA [...i.e. *calculating the value of data usage, and then send to the user; and then send the message to the server of the use's bank to designates the amount to be paid*; col. 15, lines 5560; col. 16, lines 4-8; lines 22-24; lines 32-35; figure 24].

5. Claims 3, 11, and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over HAMADA in view of BURTON ET AL (US 7,130,880) and further in view of AOYAGI (US 2003/0071900).

As for claims 3, 11, 25, HAMADA/ BURTON ET AL r discloses the claim invention as stated above except for means adapted/step for selectively de-allocating the storage area in the secure data storage medium after expiration of a pre-selected duration.

AOYAGI discloses means adapted for selectively de-allocating the selected storage area in the secure data storage medium after expiration of a pre selected duration [...i.e. the image data to be deleted/de-allocated based on the order of the image data retention dates; par. 0055; abstract and figure 7].

Therefore, It would have been obvious in one of ordinary skill in the art at the time of the invention to incorporate the allocating the image data in a storage medium of HAMADA/ BURTON ET AL to include the method of de-allocating the image data as taught by AOYAGI in order to reduced the storage capacity medium as well as reducing the customer usage's charge.

Response to Arguments

5. Applicant's arguments file on 12/19/08 with respect to amended claims 1, 9 and 23 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. N./

Examiner, Art Unit 3689

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689
2/26/09